

REMARKS

In the Office Action, the Examiner formulated the same rejections made in a previous non-final action, rejecting claims 1-50. All claims are still believed to be allowable in their present form, and their reconsideration and allowance are requested.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6, 16-17, 20, 24, 26-31, 41-42, 45, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Marsh (U.S. Publication No. 2003/0023517, hereinafter “Marsh”) in view of Maltseff (U.S. Publication No. 2002/00997282, hereinafter “Maltseff”); claims 7, 15, 32, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff as applied to claim 1 above; and claims 8 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff as applied to claim 1 above, and further in view of Bothman et al. (U.S. Publication No. 2003/0101108, hereinafter “Bothman”). The Examiner also rejected claims 9-10, 14, 34-35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff and Bothman as applied to claim 8 and 33 above; claims 11-13, and 36-38 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff and Bothman and Ahlberg et al. (U.S. Patent No. 6,587,836, hereinafter “Ahlberg”) as applied to claim 10 and 35 above, and further in view of Fleskes (U.S. Patent No. 6,529,910, hereinafter “Fleskes”); and claims 18-19, and 43-44 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff as applied to claim 1 above, and further in view of Ahlberg.

Lastly, the Examiner rejected claims 21, 23, 46, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff as applied to claim 1 above, and further in view of Cannon, Jr. et al. (U.S. Patent No. 5,689,238, hereinafter “Cannon, Jr.”); claims 22 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Marsh in view of Maltseff; and claims 25 and 50 under 35 U.S.C. § 103(a) as being unpatentable

over Mash in view of Maltseff as applied to claim 1 above, and further in view of Radican (U.S. Patent No. 6,148,291, hereinafter "Radican"). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103 falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case of obviousness, the Examiner must show that the combination includes *all* of the claimed elements, and also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Deficiencies of the Rejection

The Examiner rejected the only two independent claims 1 and 26 based on the combination of Marsh and Maltseff. Applicants initially stress that the cited combination does not teach or suggest all of the elements of claims 1 and 26. For example, Applicants the central tax information database 18 of Maltseff is *not* an asset management system, as apparently alleged by the Examiner. See Final Office Action, page 5.

Second, Applicants believe there is no appropriate reason, much less feasible, to modify Marsh to separate the marsh components, as apparently proposed by the Examiner. The "transmission device" of Marsh, which is referred to in one single passage in paragraph 21 of the reference, is said to be "advantageously connected" to the computing device, apparently within the field control device 110. No other description or qualification is made in Marsh of the structures or functions of the "transmission device"

and the “computing device”. It would appear from Marsh that the two devices are provided together and are, at the very least, inseparable. *See, e.g.,* Marsh, paragraph 21.

To be sure, the Examiner has not explained the feasibility of such a modification of Marsh. The Examiner relied on the secondary reference (Maltseff) to teach a field control device operatively connected to an asset management system and further the remote client computer system contains at least one interrogation device that is separate from the remote client computer. *See* Final Office Action, page 5. However, again, the Examiner provide no reasonable explanation or appropriate reason to modify Marsh. The Supreme Court has recently stated that the obviousness analysis should be explicit. *See KSR Int’l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d 1385 (U.S. 2007) (“[R]ejections based on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”) (quoting *In re Kahn*, 441 F.3d 977,988 (Fed. Cir. 2006)). In the present rejection, the Examiner has failed to meet this requirement of the obviousness analysis, and therefore has not established a *prima facie* case of obviousness. Appellants strongly believe that that there would be an appropriate reason to modify Marsh in such a way as to read on independent claims 1 and 26.

In view of the foregoing, Marsh cannot anticipate claims 1 and 26, or their dependent claims. Accordingly, Appellants respectfully request the Board direct the Examiner withdraw the rejection and allow the claims.

Dependent Claims

The Examiner rejected dependent claim based on several combinations of references. However, none of the combinations or secondary references obviate the deficiencies of the cited combination of Marsh and Maltseff with regard to the independent claims discussed above. Therefore, the dependent claims are believed to be

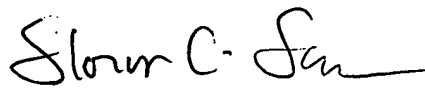
patentable for at least the reason of their dependency on an allowable base claim.
Accordingly, Applicants respectfully request the Examiner withdraw the rejections and allow the claims.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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